

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ANDREW DENNEY, on behalf of himself )  
and all others similarly situated, )

Plaintiff, )

vs. )

Case No. 4:12-CV-00377

LESTER’S, LLC, et al. )

Defendants. )

**PLAINTIFF’S UNOPPOSED MOTION  
FOR**

- (1) CERTIFICATION OF AN FLSA CLASS AND RULE 23 CLASS  
FOR SETTLEMENT PURPOSES;  
(2) PRELIMINARY APPROVAL OF A CLASS AND COLLECTIVE ACTION  
SETTLEMENT AGREEMENT;  
(3) APPROVAL OF NOTICE TO THE CLASS AND COLLECTIVE ACTION  
MEMBERS; AND  
(4) APPOINTMENT OF CLASS COUNSEL FOR THE FLSA AND RULE 23 CLASSES  
(5) SCHEDULING A HEARING FOR FINAL APPROVAL OF THE PARTIES’  
CLASS AND COLLECTIVE ACTION SETTLEMENT AGREEMENT**

Plaintiff Andrew Denney, on behalf of himself and all others similarly situated (“Named Plaintiff”), through his attorneys (“Class Counsel”), hereby moves for (1) certification of two classes for settlement purposes – a class under the Fair Labor Standards Act (“FLSA Class”) and a class under Rule 23 (“Rule 23 Class”); (2) preliminary approval of the class and collective action settlement agreement; (3) approval of notices to the FLSA Class and Rule 23 Class members; and (4) appointment of Class Counsel as counsel for the FLSA Class and the Rule 23 Class (5) scheduling a hearing for final approval of the parties’ settlement agreement. Defendants have reviewed and do not oppose this motion. In support of this motion, Named Plaintiff contemporaneously submits his memorandum in support of this motion.

Respectfully submitted,

**WEINHAUS & POTASHNICK**

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*Attorneys for Plaintiff Andrew Denney  
and the Opt-In Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was served on the following attorneys of record for Defendants by electronic case filing on the date stated in the Court's electronic case filing records:

Mr. Gerard K. Rodriguez  
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*Admitted Pro Hac Vice*

/s Mark Potashnick

Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_ day of April, 2013, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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